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8
9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 DOUGLAS SEYMOUR,

12 Plaintiff,

13 vs.

14 JOHNNY WOODRUFF; and LAS VEGAS
METROPOLITAN POLICE DEPARTMENT'
and JOHN DOES 1 to 50, inclusive,

15 Defendants.

Case No. 2:20-cv-00937-RFB-VCF

**STIPULATION TO EXTEND
DISPOSITIVE MOTION DEADLINE
(Second Request)**

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17 Pursuant to LR 6-1 and LR 26-4, Defendant, Las Vegas Metropolitan Police Department
18 ("LVMPD"), Defendant, Johnny Woodruff ("Woodruff") and Plaintiff, Douglas Seymour
19 ("Seymour") by and through their respective counsel, hereby stipulate, agree, and request that this
20 Court extend the dispositive motion deadline from the current date of November 17, 2021 until
21 **January 27, 2022** as the parties are actively trying to resolve this matter and have agreed to attend a
22 private Mediation on January 13, 2022.

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1 **A. Discovery Completed to Date**

2 The parties have exchanged their initial Rule 26 Disclosures. Defendant Las Vegas
3 Metropolitan Police Department (“LVMPD”) has provided six additional supplemental
4 disclosures; Plaintiff has provided one additional supplemental disclosure; and Woodruff
5 provided a supplemental disclosure. All parties served and responded to various written
6 discovery. LVMPD served various third-party subpoenas which following litigating Motions to
7 Quash filed by Plaintiff, responses have been received and disclosed.

8 The depositions of Woodruff, a third-party, Sgt. Jonathan Robinson and the Plaintiff
9 were taken. An IPE of Plaintiff was conducted. The parties timely disclosed expert reports.

10 **B. Discovery Remaining to be Completed**

11 No further discovery is needed.

12 **C. Reason for Request for Extension of Dispositive Motion Deadline**

13 As stated above, the parties have scheduled a private Mediation for January 13, 2022 in the
14 hopes that this matter can reach a global resolution. The parties do not wish to expend additional
15 time and expense in preparing dispositive motions until after the Mediation.

16 **D. Proposed Extended Deadline for Dispositive Motions**

17 Accordingly, the parties respectfully request that this Court enter an order as follows:

18 (1) Dispositive Motions.

19 The parties request the current deadline of November 17, 2021, be extended to January 27,
20 2022; fourteen (14) days after the Mediation on January 13, 2022.

21 The parties also request that the deadline for any response to any dispositive motion be
22 extended until February 28, 2022; thirty (30) days after dispositive motions are filed.

23 The parties recognize that they are making this request fewer than twenty-one days
24 before the current dispositive motion deadline of November 17, 2021, however the parties

1 submit that good cause and excusable neglect exists for the delay.

2 LR 26-3 states in relevant part:

3 A motion or stipulation to extend a deadline set forth in a discovery plan
4 must be received by the court no later than 21 days before the expiration
5 of the subject deadline. A request made within 21 days of the subject
6 deadline must be supported by a showing of good cause. A request made
after the expiration of the subject deadline will not be granted unless the
movant also demonstrates that the failure to act was the result of
excusable neglect.

7 In evaluating excusable neglect, the court considers the following factors: (1) the reason
8 for the delay and whether it was in the reasonable control of the moving party, (2) whether the
9 moving party acted in good faith, (3) the length of the delay and its potential impact on the
10 proceedings, and (4) the danger of prejudice to the nonmoving party. *See Pioneer Inv. Servs.*
11 *Co. v. Brunswick Assocs.*, 507 U.S. 380, 395 S. Ct. 1489, 123 L.Ed.2d 74 (1993).

12 There is good cause for the requested extension as shown above. The parties have
13 conducted all discovery in this matter and at the conclusion of discovery. As stated in the
14 parties' previous request to extend the dispositive motion deadline, the parties have been
15 engaged in settlement discussions. The parties determined that a private Mediation may be
16 beneficial to help reach a global resolution. The parties have been reaching out to private
17 Mediators and just retained one and scheduled the private Mediation.

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1 This request for an extension is made in good faith and joined by all the parties in this
2 case. Trial is not yet set in this matter and dispositive motions have not yet been filed.
3 Accordingly, this extension will not delay this case. Moreover, this Request will allow the
4 parties to possibly resolve this matter in its entirety.

5 DATED this 8th day of November, 2021.

6 KAEMPFER CROWELL

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17 ***Attorneys for Defendant***
Officer John Woodruff

19 **ORDER**

20 IT IS SO ORDERED.

21 
22 _____
UNITED STATES MAGISTRATE JUDGE

23 Dated: 11-8-2021
24 _____

Luisa Cota

From: Peter Goldstein <peter@petergoldsteinlaw.com>
Sent: Friday, November 5, 2021 5:19 PM
To: Dan McNutt
Cc: Wendy Applegate; Toni Gesin (toni@petergoldsteinlaw.com); Matt Wolf; Lyssa Anderson; Kristopher Kalkowski; Luisa Cota; Lisa Heller
Subject: Re: LVMPD/Seymour
Categories: IMPORTANT

Mine as well.
Peter



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On Fri, Nov 5, 2021 at 3:35 PM Dan McNutt <drm@mcnuttlawfirm.com> wrote:

Ok to add my signature.

DM